IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1844 of 2002

Maharshi Dayanand Trust .. Petitioner

versus

Dr.Shashi Mishra & Others .. Respondents

...

Mr.A.G. Kothari for the petitioner.

Mr.Nasir Shaikh i/b M.P. Vashi & Associates for the respondent no.1.

Mr.S. Sridhar for the respondent no.1.

CORAM : D.G. KARNIK,J.

DATED : 8th June 2005.

P.C.:

1. Heard the learned counsel for the petitioner and respondent nos.1 and 3. Respondent no.2 is not served. Writ Petition against respondent no.2 is dismissed for non service.

2. In my view, Respondent no.2 is a necessary party. Writ Petition is therefore no maintainable.

3. Furthermore, learned counsel for the respondent no.1 points out that the petition has become infructuous on account of subsequent events. Services of the respondent no.1 were sought to be terminated initially on account of insufficient workload. However, since then, number of students and classes have increased and there is sufficient workload for two lecturers, and the respondent no.2 University has sanctioned the appointment of the respondent no.1. The learned counsel for the respondent no.1 hands in a copy of the letter dated 2nd September 2003 written by the Registrar, University of Mumbai granting approval to the appointment of the respondent no.1 with retrospective effect from 31st January 1998. Learned counsel for the petitioner states that in view of the sanction by the Respondent no.2 University, the petitioner has no intention of terminating the services of respondent no.1.

5. In the circumstances, nothing survives in the petition. Petition is dismissed as infructuous.

D.G. KARNIK, J